

FILED

JUN - 8 2009

DAVID CREWS, CLERK
By [Signature] Deputy

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

COURT FILE NO.:

1:09CV145-MD

Vera Dukes,

Plaintiff,

v.

NCO Financial Systems, Inc.,

Defendant.

COMPLAINT

JURY TRIAL DEMANDED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331, 28 U.S.C § 1332, 15 U.S.C. § 1692k(d) and pursuant to 28 U.S.C. § 1367 for pendent claims.
2. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper in this District because a substantial part of the acts at issue occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiff Vera Dukes is a natural person who resides in the City of Tupelo, County of Lee, State of Mississippi.
5. Defendant NCO Financial Systems, Inc. (hereinafter "NCO") is a collection agency operating from an address of 507 Prudential Road, Horsham, PA 19044, and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6). NCO may be served with

process through its registered agent, CT Corporation Systems, at 645 Lakeland East Drive, Suite 101, Flowood, MS 39232.

FACTUAL ALLEGATIONS

6. In April 2009, Defendant began calling the home phone of Plaintiff using an automated dialer and a computerized recording seeking to collect a debt.
7. Plaintiff returned the phone call and informed Defendant's agent that all communications regarding any alleged debt Defendant sought to collect should be directed through undersigned counsel.
8. On April 23, 2009, undersigned counsel contacted Defendant to discuss the alleged debt Defendant sought to collect from Plaintiff.
9. On April 24, 2009, Plaintiff's counsel transmitted to Defendant a written letter of representation instructing Defendant to direct all communications regarding Plaintiff's account through counsel's office and requesting verification of the alleged debt pursuant to the provisions of 11 U.S.C. § 1692 . (Letter to Defendant, Exhibit A).
10. Despite the written request transmitted by Plaintiff's counsel, Defendant continues to contact Plaintiff directly by telephone, placing phone calls using a computerized recording on a number of occasions, including but not limited to May 28, 2009 and June 2, 2009.
11. Defendant has also failed to provide verification of the debt within thirty (30) days as requested by Plaintiff's counsel.

Summary

12. The above-described collection activities by Defendant NCO constitute violations of the provisions of the FDCPA, including but not limited to, 15 U.S.C. §§ 1692b(6), 1692c(2), 1692e, 1692e(2), 1692e(10), 1692f, 1692f(1), 1692g(a) and 1692g(b), amongst others.
13. Plaintiff has suffered actual damages as a result of these illegal collection communications by this Defendant in the form of anger, anxiety, emotional distress, fear, frustration, upset, humiliation, embarrassment, amongst other negative emotions, as well as suffering from unjustified and abusive invasions of personal privacy.

TRIAL BY JURY

14. Plaintiff is entitled to and hereby respectfully demands a trial by jury on all issues so triable. US Const. amend. 7. Fed.R.Civ.P. 38.

CAUSES OF ACTION

COUNT I.

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.**

15. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
16. The foregoing acts and omissions of Defendant and their agents constitute numerous and multiple violations of the FDCPA including, but not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq., with respect to the Plaintiff.
17. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to

\$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against each and every Defendant:

COUNT I.

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.**

- for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendant and for the Plaintiff;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against Defendant and for the Plaintiff;
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant and for the Plaintiff;

Respectfully submitted,

Dated: June 4, 2009

DEAS & DEAS, LLC

By: 

W. Lawrence Deas, Esq.

MS BAR NO. 100227

P.O. Box 7282

Tupelo, MS 38802

Telephone: (662)842-4546

Facsimile: (662)842-5449

LDeas@AOL.com



DEAS & DEAS, LLC
ATTORNEYS AT LAW

Phone: (662) 842-4546
Fax: (662) 842-5449

Post Office Box 7282
Tupelo, MS 38802

219 N. Church Street.
Tupelo, MS 38804

Number of pages in this facsimile (including the cover page): 2

DATE: April 24, 2009

TO: NCO Financial

FAX NUMBER: 215-442-8479

RE: Vera Dukes

REMARKS: Please see the attached correspondence.

Thank you for your assistance.

Shelia D. Knox

Confidentiality Notice

This electronic transmission (and/or documents accompanying it) may contain confidential information belonging to the sender, which is protected by the attorney/client privilege. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the documents.

DEAS & DEAS, LLC

ATTORNEYS AT LAW

Phone: (662) 842-4546

Fax: (662) 842-5449

deaslav@bellsouth.net

Post Office Box 7282

Tupelo, MS 38802

219 N. Church St.

Tupelo, MS 38804

Stacy Crabb Deas*

W. Lawrence Deas*

*Also admitted in Alabama

April 24, 2009

VIA FACSIMILE

NCO Financial

Fax no: 215-442-8479

RE: Vera Dukes

Dear Dispute Department:

Your organization has been attempting to collect an alleged debt from my client, Ms. Vera Dukes. By way of this correspondence, I inform NCO Financial of both my representation of Ms. Dukes in this matter and that Ms. Dukes disputes the validity of the alleged debt.

Please direct all further communications to my office. Furthermore, please provide, pursuant to the provisions of 15 U.S.C. 1962 et seq, full and complete validation of the above reference debt and account within 30 days of your receipt of this correspondence.

My thanks for your cooperation.

Regards,



W. Lawrence Deas

WLD:sdk

04/24/2009 FRI 11:09

FAX 6628425449

DEAS LAW FIRM

001

 *** FAX ACTIVITY REPORT TX/RX ***

ST. TIME	DESTINATION ADDRESS	NO.	MODE	PGS.	RESULT
*04/16 15:20		14048513601	1127 TX	ECM 4	OK 00' 48
*04/16 15:22	BXS CLOSING	6787585	1132 SEQ. BROADCAST	ECM 3	OK 00' 39
*04/16 15:24	BXS CLOSING 2	6787689	1132 SEQ. BROADCAST	ECM 3	OK 00' 37
*04/17 08:49		6805654	1133 TX	ECM 2	OK 00' 21
*04/17 09:06		+6628423187	8246 AUTO RX	ECM 55	OK 06' 25
*04/17 10:16	BXS CLOSING	6787585	1135 SEQ. BROADCAST	ECM 2	OK 00' 41
*04/17 10:18	BXS CLOSING 2	6787689	1135 SEQ. BROADCAST	ECM 2	OK 00' 40
*04/17 10:24		3773101	1136 TX	ECM 2	OK 00' 23
*04/17 12:19	BXS CLOSING	6787585	1137 SEQ. BROADCAST	ECM 2	OK 00' 41
*04/17 12:20	BXS CLOSING 2	6787689	1137 SEQ. BROADCAST	ECM 2	OK 00' 40
*04/17 22:02	UNKNOWN		8247 AUTO RX	0	NG 00' 51
				0	#005
*04/20 09:06		1 2	8248 AUTO RX	ECM 2	OK 00' 42
*04/20 10:02		714977101	8249 AUTO RX	ECM 6	OK 01' 16
*04/20 12:56		6626801414	8250 AUTO RX	ECM 11	OK 01' 57
*04/21 07:34		6626801414	8251 AUTO RX	ECM 5	OK 00' 42
*04/21 08:50		662 620 0665	8252 AUTO RX	ECM 4	OK 00' 31
*04/21 12:21		6622523466	8253 AUTO RX	ECM 2	OK 01' 12
*04/21 13:55		205 458 5100	8254 AUTO RX	ECM 2	OK 00' 23
*04/21 14:38	new record room	8417940	1154 TX	ECM 4	OK 00' 47
*04/21 14:54		6801414	1155 TX	ECM 3	OK 00' 42
*04/21 15:08	new record room	8417940	1156 TX	ECM 2	OK 00' 25
*04/21 16:05		6801414	1158 TX	ECM 7	OK 01' 21
*04/21 16:35		6624230089	8255 AUTO RX	ECM 8	OK 02' 01
*04/21 16:42		8440833	1162 TX	9	OK 05' 29
*04/22 11:07	Ted Day	8423187	1163 TX	ECM 7	NG 01' 19
				7	
*04/22 11:14	Ted Day	8423187	1163 TX	ECM 9	OK 03' 41
*04/22 11:21		662 823 6962	8256 AUTO RX	ECM 18	OK 08' 14
*04/22 11:58		6626801414	8257 AUTO RX	ECM 6	OK 01' 24
*04/22 13:04		6626801414	8258 AUTO RX	ECM 2	OK 00' 25
*04/23 12:31	UNKNOWN		8259 AUTO RX	ECM 4	OK 00' 55
*04/23 12:39		805 520 5019	8260 AUTO RX	ECM 3	OK 01' 29
*04/23 12:53		+6626204847	8261 AUTO RX	ECM 14	OK 02' 20
*04/23 13:00		805 520 5019	8262 AUTO RX	ECM 3	OK 01' 24
*04/23 13:28		805 520 5019	8263 AUTO RX	ECM 3	OK 01' 30
*04/23 13:52		6627282007	8264 AUTO RX	ECM 10	OK 01' 54
*04/23 14:07		16015542017	1176 TX	2	OK 01' 13
04/23 14:14	UNKNOWN		8265 AUTO RX	ECM 6	OK 01' 24
04/23 16:07		205 458 5100	8266 AUTO RX	ECM 2	OK 00' 24
04/24 09:10		17349570998	1179 TX	0	NG 00' 00
				0	#018
04/24 11:07		12154428479	1180 TX	ECM 2	OK 00' 54